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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JAMES NOLEN NANCE, JR.,

11 Plaintiff,

12 v.

13 BREMERTON POLICE DEPARTMENT, *et*
14 *al.*,

15 Defendants.

Case No. C08-5039 BHS/KLS

ORDER DIRECTING DEFENDANT
LACROSS TO RENOTE MOTION TO
DISMISS AFTER PROPER SERVICE

16 This civil rights action was re-referred to United States Magistrate Judge Karen L. Strombom
17 on January 1, 2009 pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Presently before
18 the Court is the Motion to Dismiss of Defendant David LaCross. Dkt. # 43. The certificate of mailing
19 attached to Defendant's motion indicates that counsel "electronically filed the [motion], along with a
20 proposed order dismissing defendant LaCross from this action with the Clerk of the Court using the
21 CM/ECF system which will send notification of such filing to all counsel of record in this case." *Id.*,
22 p. 3. Mr. Nance is an incarcerated *pro se* plaintiff, for whom service of all pleadings and motions must
23 be made in paper form by mail. Therefore, he has not received proper notice of Defendant LaCross's
24 motion. *See* CM/ECF Civil and Criminal Procedures (If the recipient is not a registered participant
25 in ECF, service of the underlying document must be made by the filer in paper form according
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1 to the Federal Rules.).

2 Accordingly, it is **ORDERED**:

- 3 (1) Defendant LaCross shall serve Plaintiff with a copy of his motion to dismiss by mail
4 and shall file a certificate of mailing with the Court;
- 5 (2) Defendant LaCross shall renote his motion to dismiss according to the rules governing
6 the filing of dispositive motions;
- 7 (3) The Clerk is directed to strike the present noting date of December 18, 2008 for
8 Defendant LaCross's motion to dismiss (Dkt. # 43); and
- 9 (4) The Clerk shall send copies of this Order to Plaintiff and counsel for Defendant
10 LaCross.
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12 DATED this 13th day of January, 2009.
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15 Karen L. Strombom
16 United States Magistrate Judge
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